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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,449	04/15/2004	Paul Marcus Carpenter	291010-00035	8320

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EXAMINER

CHANG, LI WU

ART UNIT	PAPER NUMBER
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2142

MAIL DATE	DELIVERY MODE
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06/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/825,449	Applicant(s) CARPENTER, PAUL MARCUS	
	Examiner LIWU CHANG	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment received on 2/26/2008 has been entered into record. Claims 1-5, 11-12, 18, 20-21, 23-24, 28-31 are amended. Claims 1-31 are pending.

Response to Arguments

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Applicant's arguments filed on 02/26/2008 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **.Claims 1, 3-4, 10, 11, 12, 14, 18-19, 20, 23, 28, 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over WAP Push Architectural Overview (WAP-250-PUSHARCHOverview-20010703-p), hereinafter PUSHARCH, in view of Lewontin (US 20050071419 A1), hereinafter Lewontin, further in view of "Over The Air over HTTP"**

(http://www.google.com/search?q=cache:BxSAsVsQtLkJ:ccmc.knu.ac.kr/files/seminar/2002_winter/push_framework/push_framework5.ppt+SIR+connection-oriented&hl=en&ct=clnk&cd=5&gl=us, **2002**), and

hereinafter OTAHTTP. PUSHARCH is cited by applicants in IDS on 10/28/2004.

3. With respect to Claim 1, PUSHARCH discloses a method for initiating a Wireless Access Protocol (WAP) push session to push information from a push proxy gateway to a mobile station in a wireless communication network (**PUSHARCH**: section 1, the 2nd paragraph describes a mobile device which can be a mobile station with definitions of push proxy gateway and push session in section 3.2; section 6.3, lines 1-3 describes initiation), the method comprising: such that said mobile station activates a bearer (**PUSHARCH**: section 8.3, the 1st paragraph, lines 3-4, "... activating the appropriate bearer ...") for establishing a push session in response to the initiation request towards the push proxy gateway to permit the push proxy gateway to push information to the mobile station using the activated bearer (**PUSHARCH**: section 8.3, the 2nd paragraph, "Upon reception of the SIR, the client activates the bearer ..." describes the push session using the activated bearer).

PUSHARCH does not expressly disclose transmitting an initiation request to the mobile station by establishing a connection-oriented signalling channel between the network and the mobile station. In the same field of endeavor, Lewontin disclose transmitting an initiation request to the mobile station by establishing a connection-oriented signalling channel between the network and the mobile

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station (**Lewontin**: [0040], lines 6-9 describes establishing the connection oriented push).

In PUSHARCH, SIR, used in connection oriented push, instructs the client to establish a session with the PPG. It would have been obvious for one skilled in the art at time of invention to incorporate the teachings of Lewontin with PUSHARCH by establishing the connection-oriented signalling channel, as taught by Lewontin, because such a channel would provide time efficient transmission for SIR and further connection-oriented push messages.

The combined teachings of PUSHARCH and Lewontin do not disclose using said channel to transmit said request. However, OTAHTTP discloses using said channel to transmit said request (**OTAHTTP**: slide 4, the last bullet, "PPG sends an SIR ... by using connection-oriented push if applicable", wherein SIR may be the request). PUSHARCH implicitly teaches or does not exclude the transmission of SIR via connection oriented mode of the push operations (**PUSHARCH**: section 8.3, the 3rd paragraph, line 1, "... the SIR is typically sent ..."). It would have been obvious for one skilled in the art to combine OTAHTTP with PUSHARCH, in view of Lewontin, by incorporating the connection-oriented initial request transmission in order to provide WAP push initiation independent of the mobile station information available to PPG.

4. With respect to claims 3, 18 and 28, Lewontin discloses a session oriented mechanism (**Lewontin**: [0040], lines 6-9 describes establishing the connection

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oriented push). OTAHTTP discloses wherein the connection-oriented signalling channel transmits the initiation request using a session. (**OTAHTTP**: slide 4, bullet 3, indicates request, such as “SIR”, may be transmitted via connection-oriented push session).

5. With respect to claims 4, 14 and 23, PUSHARCH wherein the initiation request comprises an identification of [[a]] the bearer for activating to support the establishing of the push session (**PUSHARCH**: section 8.3, the 2nd and the 3rd paragraphs, and section 9.1, line 1 of the 2nd paragraph, described activating the bearer to support the establishing of the push session).

6. With respect to claim 10, PUSHARCH discloses receiving the initiation request from the push proxy gateway (**PUSHARCH**: section 8.3, line 3 of the 1st paragraph)

7. With respect to claim 11, PUSHARCH discloses a method for initiating a Wireless Access Protocol (WAP) push session to receive push information from a push proxy gateway at a mobile station in a wireless communication network (**PUSHARCH**: section 6.3, lines 1-2 describes initiation; section 8.3, lines 2-3 of the 2nd paragraph), the method comprising:
activating a bearer for establishing a push session in response to the initiation request towards the push proxy gateway to permit the push proxy gateway to push information to the mobile station using the activated bearer (**PUSHARCH**:

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section 8.3, the 1st paragraph, lines 3-4, "... activating the appropriate bearer ..." and the 2nd paragraph, "Upon reception of the SIR, the client activates the bearer ..." describes the push session using the activated bearer).

PUSHARCH does not disclose establishing a connection-oriented signalling channel between the network and the mobile station. Lewontin, however discloses establishing a connection-oriented signalling channel between the network and the mobile station (**Lewontin**: [0040], lines 6-9 describes establishing the connection oriented push).

In PUSHARCH, SIR, used in connection oriented push, instructs the client to establish a session with the PPG. It would have been obvious for one skilled in the art at time of invention to incorporate the teachings of Lewontin with PUSHARCH by establishing the connection-oriented signalling channel, as taught by Lewontin, because such a channel would provide time efficient transmission for SIR and further connection-oriented push messages.

The combined teachings of PUSHARCH and Lewontin do not disclose receiving an initiation request at the mobile station using said channel. However, OTAHTTP discloses receiving an initiation request at the mobile station using said channel (**OTAHTTP**: slide 4, last bullet, "PPG sends an SIR to the terminal ... by using connection-oriented push if applicable", wherein SIR can be the initiation request).

PUSHARCH implicitly teaches or does not exclude the transmission of SIR via connection oriented mode of the push operations (**PUSHARCH**: section 8.3, the 3rd paragraph, line 1, "... the SIR is typically sent ..."). It would have been obvious for one skilled in the art to combine OTAHTTP with PUSHARCH, in view of Lewontin, by incorporating the connection-oriented initial request transmission in order to provide WAP push initiation independent of the mobile station information that is available to PPG.

8. With respect to claim 19, PUSHARCH discloses providing the initiation request to a Session Initiation Application of the mobile station, the application adapted in accordance with a WAP protocol for initiating a push session (**PUSHARCH**: section 8.3, lines 3-4 of the 1st paragraph and line 1 of the 2nd paragraph).

9. With respect to claim 20, PUSHARCH discloses a method for initiating a Wireless Access Protocol (WAP) push session in a push proxy gateway adapted to push information to a mobile station in a wireless communication network (**PUSHARCH**: Figure 5) comprising:
communicating with said mobile station in order to activate a bearer (**PUSHARCH**: section 8.3, 1st paragraph, lines 3-4, "... activating the appropriate bearer ...") for establishing a push session in response to the initiation request towards the push proxy gateway to permit the push proxy gateway to push information to the mobile station using said activated bearer (**PUSHARCH**:

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section 8.3, the 2nd paragraph, “Upon reception of the SIR, the client activates the bearer ...” describes the push session using the activated bearer).

PUSHARCH does not disclose transmitting an initiation request to a network node of the wireless communication network for delivery to the mobile station by establishing a connection-oriented signalling channel between the network and the mobile station. Lewontin, however discloses transmitting an initiation request to a network node of the wireless communication network for delivery to the mobile station by establishing a connection-oriented signalling channel between the network and the mobile station (**Lewontin**: [0040], lines 6-9 describes establishing the connection oriented push).

In PUSHARCH, SIR, used in connection oriented push, instructs the client to establish a session with the PPG. It would have been obvious for one skilled in the art at time of invention to incorporate the teachings of Lewontin with PUSHARCH by establishing the connection-oriented signalling channel, as taught by Lewontin, because such a channel would provide time efficient transmission for SIR and further connection-oriented push messages.

The combined teachings of PUSHARCH and Lewontin do not disclose using said channel to transmit said request. However, OTAHTTP discloses using said channel to transmit said request (**OTAHTTP**: slide 4, last bullet, “PPG sends an SIR ... by using connection-oriented push if applicable”, wherein SIR may be the request).

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PUSHARCH implicitly teaches or does not exclude the transmission of SIR via connection oriented mode of the push operations (**PUSHARCH**: section 8.3, the 3rd paragraph, line 1, "... the SIR is typically sent ..."). It would have been obvious for one skilled in the art to combine OTAHTTP with PUSHARCH, in view of Lewontin, by incorporating the connection-oriented initial request transmission in order to provide WAP push initiation independent of the mobile station information that is available to PPG.

10. With respect to 29, PUSHARCH discloses a network node of a wireless communication network for initiating a Wireless Access Protocol (WAP) push session to push information from a push proxy gateway to a mobile station via the wireless communication network (**PUSHARCH**: section 1, the 2nd paragraph describes a mobile device which can be a mobile station with definitions of push proxy gateway and push session in section 3.2; section 6.3, lines 1-3 describes initiation), the network node comprising:

such that said mobile station activates a bearer (**PUSHARCH**: section 8.3, 1st paragraph, lines 3-4, "... activating the appropriate bearer ...") for establishing a push session in response to the initiation request towards the push proxy gateway to permit the push proxy gateway to push information to the mobile station using said activated bearer (e.g., **PUSHARCH**: section 8.3, the 2nd paragraph, "Upon reception of the SIR, the client activates the bearer ..." describes the push session using the activated bearer).

In PUSHARCH, SIR, used in connection oriented push, instructs the client to

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establish a session with the PPG. It would have been obvious for one skilled in the art at time of invention to incorporate the teachings of Lewontin with PUSHARCH by establishing the connection-oriented signalling channel, as taught by Lewontin, because such a channel would provide time efficient transmission for SIR and further connection-oriented push messages.

PUSHARCH does not disclose a communications system for transmitting and receiving via the wireless network; a processor coupled to the communication system for processing received messages and messages for sending; and a memory coupled to the processor for storing instructions to configure the processor to: transmit an initiation request to the mobile station by establishing a connection- oriented signalling channel between the network and the mobile station. Lewontin, however discloses

a communications system for transmitting and receiving via the wireless network (**Lewontin**: Fig. 1, a wireless network);

a processor coupled to the communication system for processing received messages and messages for sending (**Lewontin**: Fig. 1, a device or processor); and a memory coupled to the processor for storing instructions to configure the processor to: transmit an initiation request to the mobile station by establishing a connection- oriented signalling channel between the network and the mobile station (**Lewontin**: [0040], lines 6-9 describes establishing the connection oriented push)).

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The combined teachings of PUSHARCH and Lewontin do not disclose using a said channel to transmit said request. However OTAHTTP discloses using a said channel to transmit said request (**OTAHTTP**: slide 4, last bullet, “PPG sends an SIR ... by using connection-oriented push if applicable”, wherein SIR may be the request).

PUSHARCH implicitly teaches or does not exclude the transmission of SIR via connection oriented mode of the push operations (**PUSHARCH**: section 8.3, the 3rd paragraph, line 1, “... the SIR is typically sent ...”). It would have been obvious for one skilled in the art to combine OTAHTTP with PUSHARCH, in view of Lewontin, by incorporating the connection-oriented initial request transmission in order to provide WAP push initiation independent of the mobile station information that is available to PPG.

11. With respect to claim 30, PUSHARCH discloses a mobile station for initiating a Wireless Access Protocol (WAP) push session to receive push information from a push proxy gateway via a wireless communication network (**PUSHARCH**: section 6.3, lines 1-2 describes initiation; section 8.3, lines 2-3 of the 2nd paragraph), the mobile station comprising:

activate a bearer to establish a push session in response to the initiation request towards the push proxy gateway to permit the push proxy gateway to push information to the mobile station (**PUSHARCH**: section 8.3, the 1st paragraph, lines 3-4, “... activating the appropriate bearer ...” and the 2nd paragraph, “Upon reception of the SIR, the client activates the bearer ...” describes the push

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session using the activated bearer).

PUSHARCH does not disclose a communications system for transmitting and receiving via the wireless network; a processor coupled to the communication system for processing received messages and messages for sending; and a memory coupled to the processor for storing instructions to configure the processor to: establish a connection- oriented signalling channel between the network and the mobile station. Lewontin, however disclose a communications system for transmitting and receiving via the wireless network (**Lewontin**: Fig. 1, a wireless network); a processor coupled to the communication system for processing received messages and messages for sending (**Lewontin**: Fig. 1, a device or processor); and a memory coupled to the processor for storing instructions to configure the processor to: establish a connection- oriented signalling channel between the network and the mobile station (**Lewontin**: [0040], lines 6-9 describes establishing the connection oriented push).

In PUSHARCH, SIR, used in connection oriented push, instructs the client to establish a session with the PPG. It would have been obvious for one skilled in the art at time of invention to incorporate the teachings of Lewontin with PUSHARCH by establishing the connection-oriented signalling channel, as taught by Lewontin, because such a channel would provide time efficient transmission for SIR and further connection-oriented push messages.

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The combined teachings of PUSHARCH and Lewontin do not disclose to receive an initiation request at the mobile station using said channel. However, OTAHTTP discloses to receive an initiation request at the mobile station using said channel (**OTAHTTP**: slide 4, last bullet, “PPG sends an SIR to the terminal ... by using connection-oriented push if applicable”, wherein SIR can be the initial request).

PUSHARCH implicitly teaches or does not exclude the transmission of SIR via connection oriented mode of the push operations (**PUSHARCH**: section 8.3, the 3rd paragraph, line 1, “... the SIR is typically sent ...”). It would have been obvious for one skilled in the art to combine OTAHTTP with PUSHARCH, in view of Lewontin, by incorporating the connection-oriented initial request transmission in order to provide WAP push initiation independent of the mobile station information that is available to PPG.

12. With respect to claim 31, PUSHARCH discloses push proxy gateway for initiating a Wireless Access Protocol (WAP) push session to push information from the push proxy gateway to a mobile station via a wireless communication network, the push proxy gateway (**PUSHARCH**: section 1, the 2nd paragraph describes a mobile device which can be a mobile station with definitions of push proxy gateway and push session in section 3.2; section 6.3, lines 1-3 describes initiation) comprising:

such that said mobile station activates a bearer (**PUSHARCH**: section 8.3, 1st paragraph, lines 3-4, “... activating the appropriate bearer ...”) for establishing a

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push session in response to the initiation request towards the push proxy gateway to permit the push proxy gateway to push information to the mobile station using said activated bearer (**PUSHARCH**: section 8.3, the 2nd paragraph, “Upon reception of the SIR, the client activates the bearer ...” describes the push session using the activated bearer).

PUSHARCH does not disclose a communications system for transmitting and receiving via the wireless network; a processor coupled to the communication system for processing received messages and messages for sending; and a memory coupled to the processor for storing instructions to configure the processor to: transmit an initiation request to a network node of the wireless communication network for delivery to the mobile station by establishing a connection-oriented signalling channel between the network and the mobile station. **Lewontin**, however discloses

a communications system for transmitting and receiving via the wireless network (**Lewontin**: Fig. 1, a wireless network);

a processor coupled to the communication system for processing received messages and messages for sending (**Lewontin**: Fig. 1, a device or processor); and a memory coupled to the processor for storing instructions to configure the processor to: transmit an initiation request to a network node of the wireless communication network for delivery to the mobile station by establishing a connection-oriented signalling channel between the network and the mobile

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station (**Lewontin**: [0040], lines 6-9 describes establishing the connection oriented push).

In PUSHARCH, SIR, used in connection oriented push, instructs the client to establish a session with the PPG. It would have been obvious for one skilled in the art at time of invention to incorporate the teachings of Lewontin with PUSHARCH by establishing the connection-oriented signalling channel, as taught by Lewontin, because such a channel would provide time efficient transmission for SIR and further connection-oriented push messages.

The combined teachings of PUSHARCH and Lewontin do not disclose using said channel to transmit said request. However, OTAHTTP discloses using said channel to transmit said request (**OTAHTTP**: slide 4, last bullet, "PPG sends an SIR ... by using connection-oriented push if applicable", wherein SIR may be the request).

PUSHARCH implicitly teaches or does not exclude the transmission of SIR via connection oriented mode of the push operations (**PUSHARCH**: section 8.3, the 3rd paragraph, line 1, "... the SIR is typically sent ..."). It would have been obvious for one skilled in the art to combine OTAHTTP with PUSHARCH, in view of Lewontin, by incorporating the connection-oriented initial request transmission in order to provide WAP push initiation independent of the mobile station information that is available to PPG.

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13. Claims 2, 12, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over PUSHARCH, in view of Lewontin and OTAHTTP, as applied to claims 1, 11 and 20 above, and further in view of livari et al. (US Pub. No. 2005/0020234 A1), and hereinafter livari.

14. With respect to claims 2, 12 and 21, PUSHARCH does not disclose wherein the activated bearer is a GPRS Packet Data Protocol Context. The combined teachings of PUSHARCH, Lewontin and OTAHTTP do not disclose wherein the activated bearer is a GPRS Packet Data Protocol Context.

In the same field of endeavor, livari discloses wherein the activated bearer is a GPRS Packet Data Protocol Context (**livari**: [0037], lines 1-4 and [0038], lines 1-6, wherein the “interface” of GGSN and SGSN are the active bearer).

GPRS is used by the common mobile phone system GSM for transmitting IP packets with PDP context the data structure. It would have been obvious for one skilled in the art at the time of the invention to recognize the advantages of extending PUSHARCH, in view of Lewontin and OTAHTTP, by explicitly including GPRS PDP context as part of bearer services in order to leverage WAP service for broad GPRS-based mobile phone users.

15. Claims 6-8, 15-17, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over PUSHARCH, in view of WAP Over GSM USSD (WAP-204-WAPOverGSMUSSD-20010730-a), as applied to claims 1, 11 and 20 above, and hereinafter WAPU. WAPU is cited by applicants in IDS on 10/28/2004.

16. With respect to claims 6, 15 and 25, PUSHARCH discloses wherein the connection-oriented signaling channel comprises a channel for transmitting messages (**PUSHARCH**: section 10, lines 2-4), but does not disclose Unstructured Supplementary Service Data (USSD). WAPU, however discloses Unstructured Supplementary Service Data (USSD) (e.g., **WAPU**: section 5.1, lines 4-9 of the 3rd paragraph).

Nonetheless, USSD is a well-known bearer service that supports the WAP traffic. It would have been obvious for one skilled in the art at the time of invention to combine the teachings of PUSHARCH with the teachings of WAPU by explicitly including bearer services, such as USSD, by avoiding the store-and-forward procedures, to provide the capability for delivering real-time services.

17. With respect to claims 7, 16 and 26, PUSHARCH discloses wherein the initiation request conforms to a WAP protocol for Service Initiation Requests (SIRs) (**PUSHARCH**: section 6.1, including parsing of push content and addressing).

18. With respect to claims 8, 17 and 27, the claims are rejected for the same reason as claim 6, 15 and 25 above. In addition, WAPU discloses wherein the initiation request conforms to a USSD protocol for Unstructured Supplementary Service Requests (USSRs) (**WAPU**: sections 5.3.2.1 and 5.3.2.2 describe a

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USSD protocol where responses, viewed as USSR messages, are generated with respect to USSD requests.)

19. **Claims 5 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over PUSHARCH, Lewontin and OTAHTTP, as applied to claims 1 and 20 above, in view of Push OTA Protocol (WAP-235-PUSHOTA-20010425-a), and hereinafter PUSHOTA. PUSHOTA is cited by applicants in IDS on 10/28/2004.**

20. With respect to claim 5, PUSHARCH does not disclose providing an error message to the push proxy gateway immediately when said transmitting comprises failing to establish a session between the network and the mobile station using the connection-oriented signaling channel.

PUSHOTA , however discloses providing an error message to the push proxy gateway immediately when said transmitting comprises failing to establish a session between the network and the mobile station using the connection-oriented signaling channel (**PUSHOTA**: section 6.1.3.3 describes messages in the case of failure).

It would have been obvious for one skilled in the art at the time of invention to combine the teachings of PUSHARCH and the teachings of PUSHOTA by including the error code in order to provide a reasonable level of tolerance for PUSHARCH.

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21. With respect to claim 24, PUSHARCH does not disclose receiving an error message at the push proxy gateway immediately when said network fails to establish a session between the network and the mobile station using the connection-oriented signalling channel.

PUSHOTA, however discloses receiving an error message at the push proxy gateway immediately when said network fails to establish a session between the network and the mobile station using the connection-oriented signalling channel (**PUSHOTA**: section 6.1.3.3 describes messages in the case of failure).

It would have been obvious for one skilled in the art at the time of invention to combine the teachings of PUSHARCH and the teachings of PUSHOTA by including the error code in order to provide a level tolerance for PUSHARCH.

22. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over PUSHARCH, Lewontin, OTAHTTP and WAPU, as applied to claims 6, 8 above, and further in view of livari.

23. With respect to claim 9, the claim is rejected for the same reason as claim 8 above. In addition, PUSHARCH discloses establishing a connection with the mobile station using the channel for transmitting (**PUSHARCH**: section 8.3, lines 3-4 of the 1st paragraph), and requesting the mobile station to establish push session with the push proxy gateway (**PUSHARCH**: section 8.3, lines 2-3 of the 1st paragraph), and WAPU discloses transmitting USSD (e.g., **WAPU**: section 5.2.2, when USSD is used as a bearer as in WAPU: section 5.1, the last line),

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and sending a USSR message (e.g., **WAPU**: section 5.1, lines 4-6 of the 3rd paragraph and the last line, wherein the push proxy gateway is part of the network).

The combined teachings of PUSHARCH, Lewontin, OTAHTTP and WAPU do not disclose to activate a Packet Data Protocol (PDP) context.

In the same field of endeavor, livari discloses to activate a Packet Data Protocol (PDP) context (**livari**: [0037], lines 1-4) and establish a push session with the push proxy gateway (**livari**: [0038], lines 1-3).

GPRS is used by the common mobile phone system GSM for transmitting IP packets with PDP context the data structure. It would have been obvious for one skilled in the art at the time of the invention to recognize the advantages of extending teachings of PUSHARCH, Lewontin, OTAHTTP, and WAPU by explicitly including GPRS PDP context as part of bearer services in order to leverage WAP service for broad GPRS-based mobile phone users.

24. Claims 13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over PUSHARCH, in view of Lewontin, OTAHTTP, and WAPU, as applied to 20 above, and further in view of PUSHOTA.

25. With respect to claims 13 and 22, PUSHARCH discloses initiation request (e.g., section 6.3, lines 1-3). PUSHARCH, in view of WAPU, does not expressly disclose an identification of the push proxy gateway for establishing the push session in connection-oriented push.

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PUSHOTA, however discloses wherein the initiation request comprises an identification of the push proxy gateway for establishing the push session (contact points as in PUSHOTA: section 6.1.4.5, the last two lines).

It would have been obvious for a skilled person in the art at the time of invention to combine the teachings of PUSHARCH and WAPU, with the teachings of PUSHOTA, because PUSHOTA extends PUSHARCH by providing detailed specifications of the connection-oriented push.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIWU CHANG whose telephone number is 571-270-3809. The examiner can normally be reached on 8:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on 571-272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. C./
Examiner, Art Unit 2142

May 30, 2008

/David R Vincent/
Supervisory Patent Examiner, Art Unit 2129